





# **Income Tax Assessment Amendment (Employee Share Schemes) Regulation 2015**

## **Select Legislative Instrument No. 63, 2015**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 30 April 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Bruce Billson  
Minister for Small Business

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## **1 Name**

This is the *Income Tax Assessment Amendment (Employee Share Schemes) Regulation 2015*.

## **2 Commencement**

This instrument commences on 1 July 2015.

## **3 Authority**

This instrument is made under the *Income Tax Assessment Act 1997*.

## **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Income Tax Assessment Regulations 1997*

#### **1 Subregulation 83A-315.01(1)**

Omit “10 years”, substitute “15 years”.

#### **2 Subregulation 83A-315.08(1)**

Repeal the subregulation, substitute:

- (1) The following table sets out the Table 1 percentages for calculation percentages of 50% or more and less than 110%.

<b>Table 1—Table 1 percentages</b>							
<b>Calculation percentage 50% to 92.5%</b>							
<b>Exercise period (months)</b>	<b>Calculation percentage (%)</b>						
	<b>50 to 60</b>	<b>60 to 70</b>	<b>70 to 75</b>	<b>75 to 80</b>	<b>80 to 85</b>	<b>85 to 90</b>	<b>90 to 92.5</b>
168 to 180	0.5%	1.3%	2.6%	3.5%	4.6%	5.8%	7.1%
156 to 168	0.4%	1.2%	2.5%	3.4%	4.4%	5.7%	7.1%
144 to 156	0.4%	1.0%	2.3%	3.2%	4.3%	5.5%	7.0%
132 to 144	0.3%	0.9%	2.2%	3.0%	4.1%	5.4%	6.8%
120 to 132	0.2%	0.8%	2.0%	2.8%	3.9%	5.2%	6.6%
108 to 120	0.2%	0.7%	1.8%	2.6%	3.7%	4.9%	6.4%
96 to 108	0.1%	0.6%	1.6%	2.4%	3.4%	4.6%	6.1%
84 to 96	0.1%	0.4%	1.3%	2.1%	3.0%	4.3%	5.8%
72 to 84	0.1%	0.3%	1.1%	1.7%	2.7%	3.9%	5.4%
60 to 72	0.0%	0.2%	0.8%	1.4%	2.2%	3.4%	4.9%
48 to 60	0.0%	0.1%	0.5%	1.0%	1.7%	2.8%	4.2%
36 to 48	0.0%	0.0%	0.3%	0.6%	1.2%	2.1%	3.4%
24 to 36	0.0%	0.0%	0.1%	0.3%	0.6%	1.3%	2.4%
18 to 24	0.0%	0.0%	0.0%	0.1%	0.3%	0.9%	1.8%
12 to 18	0.0%	0.0%	0.0%	0.0%	0.1%	0.4%	1.1%
9 to 12	0.0%	0.0%	0.0%	0.0%	0.1%	0.2%	0.8%
6 to 9	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.4%

**Table 1—Table 1 percentages****Calculation percentage 50% to 92.5%**

Exercise period (months)	Calculation percentage (%)						
	50 to 60	60 to 70	70 to 75	75 to 80	80 to 85	85 to 90	90 to 92.5
3 to 6	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
0 to 3	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

**Calculation percentage 92.5% to less than 110%**

Exercise period (months)	Calculation percentage (%)						
	92.5 to 95	95 to 97.5	97.5 to 100	100 to 102.5	102.5 to 105	105 to 107.5	107.5 to less than 110
168 to 180	7.9%	8.6%	9.4%	10.3%	11.2%	12.2%	13.3%
156 to 168	7.8%	8.6%	9.4%	10.3%	11.2%	12.2%	13.3%
144 to 156	7.7%	8.5%	9.4%	10.3%	11.2%	12.2%	13.3%
132 to 144	7.6%	8.4%	9.3%	10.2%	11.2%	12.2%	13.3%
120 to 132	7.5%	8.3%	9.2%	10.2%	11.2%	12.2%	13.3%
108 to 120	7.2%	8.1%	9.1%	10.0%	11.1%	12.1%	13.3%
96 to 108	7.0%	7.9%	8.8%	9.8%	10.9%	12.0%	13.2%
84 to 96	6.6%	7.6%	8.5%	9.6%	10.7%	11.8%	13.0%
72 to 84	6.2%	7.2%	8.2%	9.2%	10.4%	11.6%	12.8%
60 to 72	5.7%	6.7%	7.7%	8.8%	9.9%	11.2%	12.5%
48 to 60	5.1%	6.0%	7.0%	8.2%	9.4%	10.7%	12.1%
36 to 48	4.2%	5.2%	6.2%	7.4%	8.6%	10.0%	11.4%
24 to 36	3.2%	4.1%	5.1%	6.3%	7.6%	9.0%	10.5%
18 to 24	2.5%	3.4%	4.4%	5.5%	6.8%	8.3%	9.9%
12 to 18	1.7%	2.5%	3.4%	4.6%	6.0%	7.5%	9.2%
9 to 12	1.3%	2.0%	2.9%	4.0%	5.4%	7.0%	8.8%
6 to 9	0.8%	1.4%	2.2%	3.3%	4.7%	6.4%	8.3%
3 to 6	0.3%	0.6%	1.3%	2.4%	3.8%	5.7%	7.8%
0 to 3	0.0%	0.1%	0.5%	1.4%	3.0%	5.1%	7.5%

**3 At the end of subregulation 83A-315.08(2)**

Add:

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- Note: The following assumptions were used to work out the Table 1 percentages:
- (a) a risk-free interest rate of 4%;
  - (b) a dividend yield of 4%;
  - (c) volatility of 12%.

**4 At the end of regulation 83A-315.08**

Add:

- (3) If, in relation to a particular right:
  - (a) the exercise period; or
  - (b) the calculation percentage;
 is the top of one range in Table 1 and is also the bottom of another range in the table, it is taken to be in the lower range and not in the higher range.

**5 Subregulation 83A-315.09(1)**

Repeal the subregulation, substitute:

- (1) The following table sets out the base percentages for calculation percentages of 110% or more.

<b>Table 2—Base percentages</b>		
<b>Exercise period (months)</b>	<b>Column 1</b>	<b>Column 2</b>
168 to 180	13.3%	0.5%
156 to 168	13.3%	0.5%
144 to 156	13.3%	0.5%
132 to 144	13.3%	0.6%
120 to 132	13.3%	0.6%
108 to 120	13.3%	0.6%
96 to 108	13.2%	0.6%
84 to 96	13.0%	0.6%
72 to 84	12.8%	0.7%
60 to 72	12.5%	0.7%
48 to 60	12.1%	0.7%
36 to 48	11.4%	0.8%
24 to 36	10.5%	0.8%

**Table 2—Base percentages**

<b>Exercise period (months)</b>	<b>Column 1</b>	<b>Column 2</b>
18 to 24	9.9%	0.8%
12 to 18	9.2%	0.9%
9 to 12	8.8%	0.9%
6 to 9	8.3%	0.9%
3 to 6	7.8%	0.9%
0 to 3	7.5%	1.0%

**6 At the end of subregulation 83A-315.09(2)**

Add:

Note: The following assumptions were used to work out the base percentages:

- (a) a risk-free interest rate of 4%;
- (b) a dividend yield of 4%;
- (c) volatility of 12%.

**7 Subregulation 83A-315.09(6)**

Repeal the subregulation, substitute:

- (6) If the exercise period is the top of one range in Table 2 and is also the bottom of another range in the table, it is taken to be in the lower range and not in the higher range.